



# Department of Toxic Substances Control



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Agency Secretary  
California Environmental  
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August 3, 2000

U.S. Army Corps of Engineers  
Sacramento District Planning Division  
Attn: Nina Bicknese  
1325 J Street  
Sacramento, California 95814-2922

Dear Ms. Bicknese:

Thank you for the opportunity to comment on the Draft General Re-Evaluation Report/Environmental Impact Report and Supplemental Environmental Impact Statement (draft report) for Proposed Modifications to the Guadalupe River Project, Downtown San Jose, California [SCH#1999102056]. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a resource agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

TSC-1

DTSC has reviewed the above mentioned document and has the following comments:

1. Page 3-36 of the report states that a soil management plan that includes protocols for classifying the content of wastes in soils has been prepared. DTSC would like to clarify that Title 22, California Code of Regulations, Chapter 11 identifies those wastes which are subject to regulation as hazardous wastes. Criteria in addition to the waste extraction test procedure are identified in this chapter and should be included in the soil management plan.

2. Additional measures that will be implemented in the soil management plan include extensive sampling for total and methyl mercury. It is unclear why other chemicals will not be sampled for, especially if the soil will be reused.

TSC-2

3. Page 3-37 of the report includes a description of a Hazardous and Toxic Materials Contingency Plan. The report does not state the review process this plan will go through and what agency(ies) will be reviewing and approving the plan. In addition, the report does not specify the process that will be followed in order to determine the appropriate action. Division 20, Chapter 6.8 of the California Health and Safety Code

TSC-3

contains specific requirements for the remediation of hazardous waste sites.

4. Section 4.9.1 states that material excavated from Segment 3 and the bypass would be hauled to disposal sites on Zanker Road and Newby Island. Please specify the type of material that these sites have been permitted to accept. In addition, it is unclear whether the soil proposed for excavation has been characterized for disposal purposes.

TSC-4

5. Section 4.13.1 specifically lists environmental regulations pertaining to the use, disposal and cleanup of hazardous materials. Division 20, Chapter 6.8 of the California Health and Safety Code should be added to this list. Chapter 6.8 established DTSC's Site Mitigation Program to provide for response authority for releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to the public health or the environment.

TSC-5

6. Section 4.13.2 identifies the Union Pacific Property as a known hazardous waste site. Please specify what agency is/will be overseeing the remediation of the property. The report states that the property will be remediated to a level that would require Level D worker protection. DTSC requires that cleanup goals be set based on the results of a site-specific human health risk assessment. It is unclear whether the goal being proposed for this property will be sufficient for the proposed future use.

TSC-6

7. Section 5.13.3 describes the proposed action to mitigate potential exposure of workers to contaminated soil. This section should also describe how potential exposures from onsite contaminants to workers, residents and ecological receptors will be prevented during the remediation activities. The report should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site

TSC-7

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

TSC-8

Ms. Nina Bicknese  
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Please contact me at (510) 540-3843 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara J. Cook".

Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup  
Operations Branch

Enclosures

cc: without enclosures

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